

MINUTES
BOARD OF APPEALS
VILLAGE OF SEA CLIFF
VILLAGE HALL
300 SEA CLIFF AVENUE
SEA CLIFF, NEW YORK 11579

January 20, 2015

Present:	Chair	Dina Epstein, Esq.
	Members	Ted Kopczynski
		Noel Griffin
		James Toner, Esq.
	Village Attorney	Brian S. Stolar, Esq.
	Superintendent of	
	Buildings	Andrew Lawrence

The meeting was called to order at 7:30 pm.

The Board opened the public hearing on the application of application of Chris and Erin Pepe, 8 Porter Place, Sea Cliff, to enclose a front porch and construct an addition, which construction requires variances of the following Village Code sections: (a) 138-508 in that the proposed addition and enclosed porch will be located 3.75 feet from the Porter Place front property line, where a minimum of 25 feet is required. A variance of Village Code §138-510, which makes the front yard setback requirement applicable to all front yards for a corner lot property, also is required for this front yard encroachment as the property is a corner lot; (b) 138-513.1 in that the addition and porch will encroach into the minimum height-setback ratio plane; (c) 138-1102 in that the applicants propose to increase an existing non-conformity where no such increase is permitted; (d) 138-509 in that the existing lot width is 83.39 feet, where a minimum width of 100 feet is required; (e) 138-513 in that the existing residence has a height of 33.5 feet, where a maximum height of 30 feet is permitted; and (f) 138-513.1 in that the existing residence encroaches into the height-setback ratio plane. Premises are designated as Section 21, Block L, Lot 112 on the Nassau County Land and Tax Map.

Maximo Buschfrers, architect, represented the applicants. The Board noted that notice was provided to the Nassau County Planning Commission in accordance with the streamlining agreement with Nassau County and that the Planning Commission had no comments. The Board closed the public hearing, and reserved decision.

The Board opened the public hearing on the application of Felicia LeBow, 184 Brown Street, Sea Cliff, to reconstruct and raise the roof structure, which construction requires variances of the following Village Code sections: (a) 138-413 in that the residence will be three (3) stories where a maximum of two (2) stories is permitted, and (b) 138-413.1 in that the residence will encroach into the height-setback ratio plane in the front yard and the side yard. Premises are designated as Section 21, Block 170, Lot 390 on the Nassau County Land and Tax Map. James Carballal, architect, represented the applicant. Mr. Carballal discussed the application and a prior application to the Board that was denied by the Board. A neighbor appeared in opposition to the application and was represented by Patrick Hoebisch, Esq. Mr. Hoebisch noted that a number of Village Code sections were not identified in the Building Department notice of decision or the legal notice. The applicant previously had obtained variances from all of the identified provisions except for Village Code §138-407 (in 2006) and all of the variances related to existing conditions. The Board continued the public hearing to February 24, 2015 at 7:30 pm for the purpose of providing legal notice of the provisions not included in the original notice.

The Board discussed a January 13, 2015 letter request from the Oak Room Tavern and George Schidlovsky for an extension of a special permit approval for premises located at 242 Sea Cliff Avenue to permit the use of the premises as a restaurant. The prior application was approved by the Board on December 18, 2012 and provided for a two (2) year permit. On motion duly made by Mr. Toner, seconded by Mr. Griffin, and adopted unanimously, the Board determined that the request is a Type II

Action under SEQRA that requires no environmental review, that the Board is the lead agency for SEQRA purposes, and granted the extension for a period of five (5) years commencing on the date that this decision is filed with the Village Clerk. With the exception of the term of the permit, such approval is subject to the same conditions as the December 18, 2012 approval.

The Board discussed the Pepe application. On motion duly made by Mr. Kopczynski, seconded by Mr. Toner, and adopted unanimously, the Board determined that the Pepe application is a Type II matter under SEQRA which requires no further environmental review and granted the application in accordance with the short form decision annexed hereto.

At 9:27 pm, on motion duly made by the Chair, seconded by Mr. Griffin, and adopted unanimously, the Board voted to convene in executive session for the purpose of discussing litigation and legal advice. The Chair left the meeting. At 9:52 pm, the Board reconvened in public.

On motion duly made by Mr. Toner, seconded by Mr. Griffin, and adopted unanimously by those present (with the Chair not present), the Board authorized the settlement of litigation involving 35 Hawthorne Road.

There being no further business, the meeting was adjourned at 9:55 pm.

PEPE SHORT FORM DECISION
(as authorized by Village Code §138-1302.1)

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on January 20, 2015, on motion of Mr. Kopczynski, seconded by Mr. Toner, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. Chris and Erin Pepe, 8 Porter Place, Sea Cliff, applied to enclose a front porch and construct an addition, which construction requires variances of the following Village Code sections: (a) 138-508 in that the proposed addition and enclosed porch will be located 3.75 feet from the Porter Place front property line, where a minimum of 25 feet is required. A variance of Village Code §138-510, which makes the front yard setback requirement applicable to all front yards for a corner lot property, also is required for this front yard encroachment as the property is a corner lot; (b) 138-513.1 in that the addition and porch will encroach into the minimum height-setback ratio plane; (c) 138-1102 in that the applicants propose to increase an existing non-conformity where no such increase is permitted; (d) 138-509 in that the existing lot width is 83.39 feet, where a minimum width of 100 feet is required; (e) 138-513 in that the existing residence has a height of 33.5 feet, where a maximum height of 30 feet is permitted; and (f) 138-513.1 in that the existing residence encroaches into the height-setback ratio plane. Premises are designated as Section 21, Block L, Lot 112 on the Nassau County Land and Tax Map.
2. The applicants are the owners of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. Notice of the application was provided to the Nassau County Planning Commission in accordance with the streamlining agreement between the Village and the Planning Commission, and no response was received from the Planning Commission.
5. The relief requested in the application is granted provided that (a) the construction shall conform substantially with the plans submitted with the application, and (b) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

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